

### REMARKS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-17, 20, 21, 23, 24, 26-32, and 35-37 are pending. Of these claims, Claims 1-17, 20, 21, 24, 26-32, and 35-37 are withdrawn from consideration and Claims 23 and 38-52 are active. Claims 10 and 23 are amended; Claims 18, 19, 22, 25, 33, and 34 are canceled; and Claims 38-52 are newly added herewith. It is respectfully submitted that no new matter is added by this amendment, as support for Claims 38-52 may be found, for example, in Figure 42.

In the outstanding Office Action, the drawings were objected to under 37 C.F.R. § 1.84(p)(4); the title was objected to; Claims 18, 19, 22, 25, and 34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Momodomi (U.S. Pat. No. 4,939,690) in view of Tobita (U.S. Pat. No. 5,646,516); and Claim 33 was rejected under 35 U.S.C. § 103(a) as unpatentable over Momodomi in view of Tobita and Momodomi (JP 2000-68487, hereafter JP '487).

Applicant acknowledges with appreciation the indication that Claim 23 contains allowable subject matter.<sup>1</sup> Claim 23 has been amended herewith to incorporate the limitations of Claim 18, from which Claim 23 previously depended. Accordingly, it is respectfully submitted that Claim 23 is in condition for allowance.

With regard to the objection to the drawings under 37 C.F.R. § 1.84(p)(4), the specification has been amended at page 71, line 15, to address the noted informality. It is therefore respectfully requested that this objection be withdrawn.

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<sup>1</sup> The Office Action indicates at page 7 that Claim 33 contains allowable subject matter. However, because a rejection of Claim 33 was set forth within the text at page 7, Applicant assumes that the allowable subject matter is Claim 23, which was not rejected by the outstanding Office Action.

Regarding the objection to the title, the title has been amended herewith to be “Non-Volatile Semiconductor Memory Device In Which Selection Gate Transistors And Memory Cells Have Different Structures.” Applicant therefore respectfully submits that this objection is overcome. However, if the Examiner disagrees, the Examiner is respectfully requested to suggest an alternative title in the next Office Action.

With regard to the rejection of Claims 18, 19, 22, 25, and 34 under 35 U.S.C. § 103(a) as unpatentable over Momodomi in view of Tobita, and the rejection of Claim 33 under 35 U.S.C. § 103(a) as unpatentable over Momodomi in view of Tobita and JP ‘487, those rejections have been rendered moot by the present amendment, as Claims 18, 19, 22, 25, 33, and 34 have been canceled herewith.

Newly added Claims 38-52 recite subject matter previously described, for example, in the non-limiting illustration of Figure 42. Independent Claims 38, 41, 44, 47, and 50 recite, in part, that a deepest part of one of the source/drain diffusion regions, which is below the gate electrode of each of the plurality of selection gate transistors, is shallower than a deepest part of the diffusion region, which is below the gate electrode of each of the at least one memory cell, and a deepest part of the other electrode of each of the plurality of selection gate transistors is deeper than a deepest part of a diffusion region of each of the at least one memory cell.

As none of the references of record are believed to disclose or suggest this feature, it is respectfully submitted that new Claims 38-52 patentably distinguish over the references of record, and are believed to be in condition for allowance.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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